

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANGEL L. HORNE, on behalf of                    )  
K.L.H.,    )  
  )  
                  Plaintiff,                        )  
  )  
                  v.                                 )       1:15CV902  
  )  
NANCY A. BERRYHILL, Acting                    )  
Commissioner of Social Security,            )  
  )  
                  Defendant.                     )

**ORDER**

On February 15, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections within the time limit prescribed by Section 636. (Doc. 16.)

Plaintiff contends in her objections that she has "new evidence" to present, but she has not presented that evidence or even made a general showing of the nature of the evidence, nor has she attempted to show that the evidence "is material and that there is good cause for the failure to incorporate such evidence into the record" in the administrative proceeding. 42 U.S.C. 405(g). To the extent that the new evidence might relate to a time period after the date of the administrative determination, based on Plaintiff's contention that K.L.H.'s condition has "gotten worse," Plaintiff remains free to present the evidence in a new administrative application as to the later time period. See 20 C.F.R. § 416.330(b); J.M. by Nunley v. Berryhill, 2017

WL 570710 (E.D.Va. Feb. 13, 2017) ("Ms. Nunley's remedy – should she believe the evidence concerning J.M.'s diagnoses and medication as presented in her Objection would qualify J.M. for a finding of a disability after the ALJ's 2014 decision – is to file a new application.").

The court has reviewed Plaintiff's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 14), which is affirmed and adopted.

IT IS THEREFORE ORDERED that the Commissioner's decision finding no disability is AFFIRMED, that Plaintiff's Motion for Summary Judgment (Doc. 10) is DENIED, that the Commissioner's Motion for Judgment on the Pleadings (Doc. 12) is GRANTED, and that this action is DISMISSED WITH PREJUDICE as set out in the Recommendation.

/s/ Thomas D. Schroeder  
United States District Judge

March 27, 2017